

REMARKS

Claims 1-23 are pending in the present application. Claim 1 was objected to due to informalities. Claims 1, 9-13, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Muchel, U.S. Patent No. 4,691,997. Claims 1-4 and 20-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Schmidt et al., U.S. Patent Application Publication No. 2003/0133187. Claims 5-8 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt et al. Claims 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Muchel in view of Otaki, U.S. Patent No. 5,847,866. Claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Muchel in view of Sato, U.S. Patent No. 5,519,531.

The claims have been amended. Reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. §102(b), 103(a)

Claims 1, 9-13, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Muchel, U.S. Patent No. 4,691,997. Claims 1-4 and 20-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Schmidt et al., U.S. Patent Application Publication No. 2003/0133187. Claims 5-8 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmidt et al. Claims 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Muchel in view of Otaki, U.S. Patent No. 5,847,866. Claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Muchel in view of Sato, U.S. Patent No. 5,519,531.

Muchel describes a microscope tube having a partially transmitting mirror 13 that splits incoming light into a first component toward a swingable mirror 8, which deflects the first component toward a binocular eyepiece 5, and into a second component toward a mirror 15, which deflects the second component toward a camera 6. See col. 3, lines 2-14, 35-45 and 54-60, and Fig. 1.

Schmidt et al. describes an observation system for a stereoscopic operation microscope in

which light along a beam path 2 enters a prism 21 with a beam splitter surface that splits the light into a component 7 directed toward an observation instrument 8, and a component toward a reflection instrument 9, which deflects that component toward observation instrument 10. See paragraph 0021, and Fig. 1.

Independent claim 1 of the present application has now been amended so as to recite that the adaptation interface is configured to convey “a light beam from the microscope along an optical axis” wherein “the optical axis is defined by a path of the light beam between the microscope and the beam deflection device” and that the tube comprises a rotatably disposed beam deflecting unit “disposed on a side of the optical axis opposite the operator interface.” Support for the amendment may be found, for example, at Fig. 1 of the present application. It is respectfully submitted that neither Muchel nor Schmidt et al. teaches or suggests such a rotatably disposed beam deflecting unit disposed on a side of the optical axis opposite the operator interface where the optical axis is defined by a path of the light beam between the microscope and the beam deflection device, as recited in claim 1. In contrast, the swingable mirror 8 of Muchel is located on a same side of an axis defined by the beam path (unmarked vertical line running between objective 1 and mirror 7) as the eyepiece 5. Regarding Schmidt et al., to the extent that the observation instrument described by Schmidt et al. includes a rotatably disposed beam deflecting unit at all, both the prism 21 and the (unmarked) prism downstream of reflection instrument 9 are disposed on the same side of an axis defined by the beam path 2 as their respective observation instruments 8 and 10, and not on the opposite side, as recited in claim 1. Because both Muchel and Schmidt et al. are missing at least the above-recited features of claim 1, neither of these references can anticipate claim 1 or any of its dependent claims. Nor does Schmidt et al. suggest the above-recited features of claim 1, nor do either of Otaki or Sato teach or suggest the above-recited features of claim 1. Therefore neither Schmidt et al. nor any combination of Muchel or Schmidt with Otaki or Sato, to the extent proper, could render any of the claims obvious.

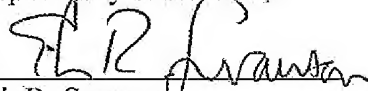
Withdrawal of the rejection of claims 1, 9-13, 19 and 20 under 35 U.S.C. §102(b) based on Muchel, of claims 1-4 and 20-22 under 35 U.S.C. §102(e) based on Schmidt et al., of claims 5-8 and 23 under 35 U.S.C. §103(a) based on Schmidt et al., of claims 14 and 15 under 35 U.S.C. §103(a) based on Muchel in view of Otaki, and of claims 16-18 under 35 U.S.C. §103(a) based on Muchel in view of Sato, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Dated: August 29, 2007

Respectfully submitted,

By 

Erik R. Swanson

Registration No.: 40,833

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant